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House of Representatives

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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "Examining Employee Misconduct at EPA" May 18, 2016

Mr. Chairman, thank you for holding today's hearing examining employee misconduct at the Environmental Protection Agency (EPA). This is the third hearing our Committee has held on this topic this Congress, and I am encouraged that EPA's response to allegations of employee misconduct has vastly improved.

Serious employee misconduct is rare. But as this Committee has seen, too often agency and Inspector General (IG) responses to misconduct cases have taken too long.

At the Committee's hearing in April 2015—a little over a year ago—I asked EPA and the IG to work together to improve their coordination in employee misconduct matters. I also directed my staff to work directly with EPA and the IG to help develop new protocols to improve their disciplinary processes.

As a result, the EPA and IG are coordinating their efforts as they never did before. They are holding biweekly meetings to share information about investigations. They are communicating more frequently about administrative actions. They are sharing Reports of Investigation with agency managers and senior officials at EPA headquarters. And EPA and the IG have developed expedited procedures for certain cases.

The outcomes from improved coordination are promising. Both EPA and the IG have stated that the new procedures have decreased the time it takes for action on reports of employee misconduct. In his testimony, Mr. Meiburg from the EPA credits the new information-sharing process with contributing to EPA taking action more quickly after the IG completes an investigation. Similarly, Mr. Sullivan from the IG's office agrees, concluding, "Misconduct cases are now being addressed faster and more consistently by the EPA management."

As I said, serious misconduct is rare. EPA reports that it has only 14 open employee misconduct Reports of Investigation from the IG. For an EPA workforce of 15,000, that's less than one-tenth of one percent.

This Committee also has expressed concern about excessive use of administrative leave. In February, the agency issued a new policy on administrative leave. Under this new

policy, an EPA employee may not be placed on administrative leave for more than ten days without approval from the Assistant Administrator of the Office of Administration and Resources Management.

This policy introduces a check that addresses our concern about overuse of administrative leave and the need for stronger oversight of this type of leave.

Chairman Chaffetz indicated that the hearing today will focus on approximately twenty old cases that have been closed by the IG, some for years. As Mr. Sullivan states in his testimony, "It is important to note that most of the misconduct occurred at least two years ago."

In some of these cases, the misconduct is egregious, and such behavior requires a swift and appropriate agency response. But none of these cases is currently pending. They are all closed. According to EPA and the IG, all of these cases preceded the improved coordination process between EPA and the IG.

Mr. Sullivan states that the new coordination process between EPA and the IG should serve as a "best practices model for the federal government."

I am extremely pleased to hear that. It shows what we can do if we work hard with agencies and investigators to improve their procedures. This type of work does not always get big headlines, but it makes a real difference. It also shows what this Committee can do through nuts and bolts oversight.

While I am encouraged by the progress that has been made, I believe that there are still challenges we can address. For instance, long investigation times in some cases may suggest a need for more resources for the IG. And there are certainly other cases that raise questions about when employees are required to report criminal convictions.

Mr. Chairman, as we proceed, I hope that we can address these challenges together in a bipartisan way like we have done over the past year, with input from the agency, the IG, and other stakeholders.

Thank you again, Mr. Chairman, for calling this hearing.

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